

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 03 2005

application of: Michael Radomsky

Attorney Docket No.: DEPYP003D1C1

Application No.: 10/796,441

Examiner: Michael C. Henry

Filed: March 8, 2004

Group: 1623

**Title: METHOD OF PROMOTING BONE
GROWTH WITH HYALURONIC ACID AND
GROWTH FACTORS**

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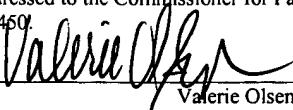
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on February 28, 2005 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed:



Valerie Olsen

**TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321
TO OBTAIN AN OBVIOUSNESS-TYPE
DOUBLE PATENTING REJECTION**

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner(s), DePuy Spine, Inc (a corporation of Ohio) having a place of business at 325 Paramount Drive, Raynham MA 02767, through its undersigned attorney of record, represents that it is the owner of record of the entire right, title and interest in the above-identified application by virtue of:

An assignment from the inventors of the grandparent of the patent application identified above to Orquest, Inc. The assignment was recorded in the Patent and Trademark Office at Reel 10305, Frame 0254 on October 13, 1999;

A chain of title from the inventors of the patent application identified above to the current assignee as shown below:

1. From Orquest, Inc. to DePuy Acromed, Inc. The document was recorded in the Patent and Trademark Office at Reel 013438, Frame 0912;

2. By change of name from DePuy Acromed, Inc. to DePuy Spine, Inc. The document was recorded in the Patent and Trademark Office at Reel 014953, Frame 0702.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of *U.S. Patent No. 5,942,499*, whereby the patent granted on this application and *U.S. Patent No. 5,942,499* will expire on the same day, provided that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned with *U.S. Patent No. 5,942,499*.

The assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of *U.S. Patent No. 5,942,499* in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of *U.S. Patent No. 5,942,499*.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

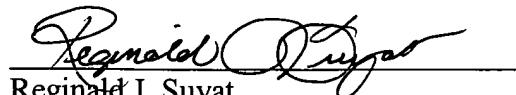
The undersigned as an attorney of record for DePuy Spine, Inc., is authorized to execute this document on behalf of DePuy Spine, Inc.

Enclosed is our Check No. 10206 to cover the disclaimer fee. If the required fees are not enclosed or additional fees are required to facilitate filing of this paper, please charge such fees or credit any overpayment to Deposit Account No. 500388 (Order No. DEYP003D1C1).

Dated: February 28, 2005

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP



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